

House Engrossed Senate Bill

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 162

## **SENATE BILL 1382**

AN ACT

AMENDING SECTION 11-1024, ARIZONA REVISED STATUTES; RELATING TO SERVICE ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1024, Arizona Revised Statutes, is amended to  
3 read:

4 11-1024. Service animals; rights of individuals with  
5 disabilities; violation; classification; definitions

6 A. Any person or entity that operates a public place shall not  
7 discriminate against individuals with disabilities who use service animals if  
8 the work or tasks performed by the service animal are directly related to the  
9 individual's disability. Work or tasks include assisting individuals who are  
10 blind or have low vision with navigation and other tasks, alerting  
11 individuals who are deaf or hard of hearing to the presence of people or  
12 sounds, providing nonviolent protection or rescue work, pulling a wheelchair,  
13 assisting an individual during a seizure, alerting individuals to the  
14 presence of allergens, retrieving items such as medicine or the telephone,  
15 providing physical support and assistance with balance and stability to  
16 individuals with mobility disabilities and helping individuals with  
17 psychiatric and neurological disabilities by preventing or interrupting  
18 impulsive or destructive behaviors. The crime deterrent effects of an  
19 animal's presence and the provision of emotional support, well-being, comfort  
20 or companionship do not constitute work or tasks.

21 B. It is not discriminatory to exclude a service animal from a public  
22 place if one or more of the following apply:

- 23 1. The animal poses a direct threat to the health or safety of others.  
24 2. The animal fundamentally alters the nature of the public place or  
25 the goods, services or activities provided.  
26 3. The animal poses an undue burden.  
27 4. THE ANIMAL IS OUT OF CONTROL AND THE ANIMAL'S HANDLER DOES NOT TAKE  
28 EFFECTIVE ACTION TO CONTROL THE ANIMAL.  
29 5. THE ANIMAL IS NOT HOUSEBROKEN.

30 C. IF A PUBLIC PLACE ASKS AN INDIVIDUAL TO REMOVE A SERVICE ANIMAL  
31 PURSUANT TO SUBSECTION B OF THIS SECTION, THE PUBLIC PLACE SHALL GIVE THE  
32 INDIVIDUAL THE OPPORTUNITY TO RETURN AND OBTAIN GOODS, SERVICES OR  
33 ACCOMMODATIONS WITHOUT THE ANIMAL ON THE PREMISES.

34 ~~E~~ D. Public places may maintain a general no pets policy if it is  
35 not used to exclude service animals and if it does not grant rights to any  
36 person to bring the person's pet into a public place that otherwise does not  
37 permit pets.

38 E. A SERVICE ANIMAL MUST BE UNDER THE CONTROL OF THE SERVICE ANIMAL'S  
39 HANDLER.

40 ~~D~~ F. A service animal's handler is liable for any damage done  
41 to a public place by the service animal or service animal in training.

42 ~~E~~ G. Any trainer or individual with a disability may take an animal  
43 being trained as a service animal to a public place for purposes of training

1 it to the same extent as provided in subsections A, B and ~~C~~ D of this  
2 section.

3 ~~F.~~ H. A zoo or wild animal park may prohibit a service animal,  
4 including a dog guide or service dog, from any area of the zoo or wild animal  
5 park where the service animal may come into direct contact with the animals  
6 contained in the zoo or wild animal park. Service animals shall not be  
7 excluded from public walkways or sidewalks or from any area that allows for  
8 physical barriers between the service animals, dog guides or service dogs and  
9 the animals in the zoo or wild animal park. Any zoo or wild animal park that  
10 prohibits dog guides and service dogs shall provide without cost adequate  
11 facilities for the temporary confinement of dog guides and service dogs. The  
12 facilities shall be adequate to accommodate the anticipated attendance of  
13 legally blind, ~~OR~~ deaf PERSONS or persons with physical disabilities, shall  
14 be in an area not accessible to the general public, shall provide water for  
15 the dog guides and service dogs and shall otherwise be safe, clean and  
16 comfortable. The zoo or wild animal park on request by a legally blind  
17 person who is required to leave that person's dog guide or service dog  
18 pursuant to this subsection shall provide a sighted escort if the legally  
19 blind person is unaccompanied by a sighted person.

20 ~~G.~~ I. The driver of a vehicle approaching a legally blind pedestrian  
21 who is carrying a cane that is predominately white or metallic in color, who  
22 is using a service animal or who is assisted by a sighted person shall yield  
23 the right-of-way and take reasonable precautions to avoid injury to the  
24 pedestrian and the service animal. The pedestrian has the same rights as any  
25 other person whether or not the pedestrian is carrying the cane, using a  
26 service animal or being assisted by a sighted person. Drivers shall take the  
27 same precautions with respect to pedestrians who have a disability other than  
28 blindness and their service animals. A driver who violates this subsection  
29 is liable for damages for any injury caused to the pedestrian or the service  
30 animal.

31 ~~H.~~ J. Any person or entity that violates ~~subsections~~ SUBSECTION A,  
32 ~~through G~~ H OR I of this section is guilty of a class 2 misdemeanor.

33 ~~I.~~ K. This section is not intended to affect any civil remedies  
34 available for a violation of this section.

35 ~~J.~~ L. For the purposes of this section:

36 1. "Direct threat to the health or safety of others" means that a  
37 significant risk to the health or safety of others exists and cannot be  
38 eliminated by modification of policies, practices or procedures or by the  
39 provision of auxiliary aids or services.

40 2. "Discriminate" means discriminatory actions prescribed in section  
41 41-1492.02 and includes:

42 (a) Refusing to permit an individual with a disability to enter a  
43 public place with a service animal or interfering with the individual's right  
44 to enter or use the public place.

1 (b) Failing to provide an individual with a disability the same  
2 services and access to the same areas of the premises as afforded to others.

3 (c) Attempting to impose a charge, fee or deposit because an  
4 individual with a disability is accompanied by a service animal.

5 (d) Requiring an individual with a disability to disclose disability  
6 related information. However, a public accommodation may ask if the animal  
7 is a service animal being used because of a disability OR WHAT WORK OR TASK  
8 THE SERVICE ANIMAL HAS BEEN TRAINED TO PERFORM.

9 (e) Requiring provision of identification for the service animal.

10 3. "Individual with a disability" means an individual who has a  
11 physical or mental impairment that substantially limits one or more of the  
12 major life activities of the individual.

13 4. "Public place" means any office or place of business or recreation  
14 to which the general public is invited, whether operated by a public or  
15 private entity and includes all forms of conveyance, including taxis, tow  
16 trucks and ambulances.

17 5. "Service animal" means any dog or miniature horse that is  
18 individually trained to do work or perform tasks for the benefit of an  
19 individual with a disability, including a physical, sensory, psychiatric,  
20 intellectual or other mental disability. Service animal does not include  
21 other species of animals, whether wild or domestic or trained or untrained.

22 6. "UNDER THE CONTROL OF THE SERVICE ANIMAL'S HANDLER" MEANS THE  
23 SERVICE ANIMAL HAS A HARNESS, LEASH OR OTHER TETHER, UNLESS EITHER THE  
24 HANDLER IS UNABLE BECAUSE OF A DISABILITY TO USE A HARNESS, LEASH OR OTHER  
25 TETHER OR THE USE OF THE HARNESS, LEASH OR OTHER TETHER WOULD INTERFERE WITH  
26 THE SERVICE ANIMAL'S SAFE AND EFFECTIVE PERFORMANCE OF WORK OR TASKS, IN  
27 WHICH CASE THE SERVICE ANIMAL MUST BE OTHERWISE UNDER THE HANDLER'S CONTROL  
28 BY VOICE CONTROL, SIGNALS OR OTHER EFFECTIVE MEANS.

29 ~~6.~~ 7. "Wild animal park" means an entity that is open to the public  
30 on a regular basis, that is licensed by the United States department of  
31 agriculture as an exhibit and that is operating primarily to conserve,  
32 propagate and exhibit wild and exotic animals.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House April 19, 20 16,

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

[Signature]  
Speaker of the House  
*Pro Tempore*

[Signature]  
Chief Clerk of the House

Passed the Senate February 25, 20 16,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1382**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

AS Briggs  
President of the Senate

Susan James  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:26 o'clock P. M.

Christa Brynman  
Secretary to the Governor

Approved this 11th day of

May

at 8:50 o'clock A. M.

Douglas Ducey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 12 day of May, 2016

at 8:49 o'clock A. M.

Michelle Reagan  
Secretary of State